



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,346	01/31/2002	Carl O. Bennett JR.	AUS920010505US1	3469
36449 7590 03/23/2011 SCHMEISER, OLSEN & WATTS 22 CENTURY HILL DRIVE SUITE 302 LATHAM, NY 12110				
EXAMINER				
PILLAI, NAMITHA				
ART UNIT		PAPER NUMBER		
2172				
MAIL DATE		DELIVERY MODE		
03/23/2011		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/062,346

## Applicant(s)

BENNETT ET AL.

## Examiner

NAMITHA PILLAI

## Art Unit

2172

**Period for Reply**  
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 25-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 25-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. The Examiner acknowledges Applicant's submission on 1/3/11 including the addition of new claims 30-32. All pending claims have been rejected where the previous rejection has been maintained.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 25-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 6, 842, 185 B1 (Mavrommati et al.), herein referred to as Mavrommati and U. S. Publication No. 2002/0049763 (Seamon).

Referring to claims 1, 26, 28, Mavrommati discloses a method for navigating through a repository of graphical displays and maintain knowledge of the location of any display currently being viewed (column 4, lines 26-38). Mavrommati discloses displaying on a display screen a main folder of a plurality of directories in the repository from which a user can select one of the directories to navigate through to review graphical displays (column 1, lines 10-15). Mavrommati does not disclose that the directories of the plurality of directories are simultaneously displayed as text that identifies each directory, each directory being linked to a hierarchy of subdirectories. Seamon discloses that the directories of the plurality of directories are simultaneously

displayed as text that identifies each directory, each directory being linked to a hierarchy of subdirectories (Figures 9A and 9B). Seamon discloses responsive to selection of a directory of the simultaneously displayed directories and to a navigation along a displayed subdirectory path through the hierarchy of subdirectories to which the selected directory is linked such that the navigation ends with selection of a last subdirectory of the subdirectory path (page 2, paragraph 31). Seamon discloses simultaneously displaying on the display screen display categories, each display category being displayed and identified as text consisting of a title of a corresponding subdirectory of the last subdirectory, each display category comprising display sets (Figure 9B). Seamon discloses responsive to selection of a display category of the simultaneously displayed display categories, displaying a viewing screen of the for the selected display category, the viewing screen comprising a first row of buttons and a second row of buttons (Figure 9C). Seamon discloses each button in the first row of buttons corresponding to a different display set of the display sets in the selected category such that each display set is represented by a different button in the first row of buttons, each button in the second row of buttons corresponding to a graphical display in a display set selected via selection of a button in the first row of buttons (page 4, paragraph 54). Seamon discloses the first row of buttons and second row of buttons being simultaneously displayed in the viewing screen and responsive to selection of a first button in the first row of buttons and selection of a second button in the second row of buttons corresponding to the selected first button, displaying in the viewing screen a graphical display corresponding to the selected second button (page 4, paragraph 55).

It would have been obvious to one skilled in the art at the time of the invention to learn from Seamon that the directories of the plurality of directories are simultaneously displayed as text that identifies each directory, each directory being linked to a hierarchy of subdirectories. Seamon provides an implementation of the hierarchy structure that is disclosed in Mavrommati. Seamon discloses how the hierarchical menu is navigated to access desired data. This provides motivation for Mavrommati to learn from Seamon to use the hierarchical system to implement a means through which desired data is easily accessed. One skilled in the art at the time of the invention would have been motivated to learn from Seamon that the directories of the plurality of directories are simultaneously displayed as text that identifies each directory, each directory being linked to a hierarchy of subdirectories.

Referring to claims 25, 27 and 29, Mavrommati and Seamon discloses that the first row of buttons being located within a first fixed portion of the viewing screen, and second row of buttons being located within a second fixed portion of the viewing screen, the second fixed portion of the viewing screen being independent of which button in the first row of buttons is selected (page 4, paragraph 55).

Referring to claim 30-32, Mavrommati and Seamon disclose a totality of rows of buttons displayed in the viewing screen only in response to selection of the display category consists of the first row of buttons and the second row of buttons (Figure 9D).

### ***Response to Arguments***

3. Applicant's arguments filed 1/3/11 have been fully considered but they are not persuasive.

Applicant argues that Seamon does not disclose simultaneously displaying on the display screen display categories, in response to selection of a directory of the simultaneously displayed categories and to a navigation along a displayed subdirectory path through the hierarchy of subdirectories to which the selected directory is linked such that the navigation ends with selection of a last subdirectory of the subdirectory path. The Examiner respectfully disagrees. The traversal of the directory step discloses a known means through which any hierarchical directory is traversed. The objective of Seamon is to display multiple categories simultaneously and traversing a hierarchy of these categories. Figures 9 of Seamon disclose a step by step process where a category in each level of the directory which results in displaying of subdirectory of the directory. A path is traversed of the directory through each selection. The navigation through this directory path ends in the last node of the directory path.

Applicant argues that Seamon does not disclose the viewing screen comprising a first row of buttons and a second row of buttons. The Examiner respectfully disagrees. Each line of buttons in a distinct category level represents a first row of buttons and a second row of buttons. Each of the buttons in all rows is displayed in response to selection of a first button in a previous hierarchy level.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Responses to this action should be submitted as per the options cited below: The United States Patent and Trademark Office requires most patent related correspondence to be: a) faxed to the Central Fax number (571-273-8300) b) hand carried or delivered to the Customer Service Window (located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in 37 CFR 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System.

Any inquiry concerning this communication or earlier communications for the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached from 10:00 AM – 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, Boris Pesin can be reached on (571) 272-4070.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a

possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Namitha Pillai  
Patent Examiner  
Art Unit 2172  
March 21, 2011

/Namitha Pillai/  
Primary Examiner, Art Unit 2172